

Application No. 10/828,953
Docket No. 2003U013.US
Reply to Office Action Dated 01/07/2005

Remarks

Claim Amendments

The Applicant thanks the Examiner for discussing the relevant issues in this case in the phone conversation of January 19, 2005. In that conversation, the Examiner expressed concern with certain claim language and suggested that the claim be re-written. The Examiner indicated that, upon amending, such an amended set of claims would be allowable. The Examiner confirmed this in a phone call of January 21, 2005. The Applicant has amended the claim as suggested to gain allowable subject matter.

Claim 1, expressing one embodiment of the invention, is amended to rewrite the feature "a copolymer of ethylene and 1-hexene in a fluidized bed gas-phase reactor, wherein as the mole ratio of 1-hexene to ethylene is varied in the reactor between 0.015 to 0.05, the density of the resultant polyethylene changes by less than 5 % and the I_{21}/I_2 varies from 10 to 150". Further, the claim is amended to add the feature –in the fluidized bed gas-phase reactor–. Support for this feature is found in the specification as filed at, for example, paragraph [0041] and Claim 6. No new matter is added.

Further in Claim 1, the phrase "at least one α -olefin selected from C_3 to C_{10} α -olefins" is replaced with –1-hexene–.

Claim 6 is cancelled without prejudice.

Section 102 Rejections

Claims 1 through 22 were rejected under 35 U.S.C. § 102(b) as anticipated by, or in the alternative, as obvious under 35 U.S.C. § 103(a) over *Isobe et al.* (US 2001/0034298). The Applicant traverses this rejection, as the claim as now amended is not fairly disclosed.

Claims 12-22 are herein cancelled without prejudice.

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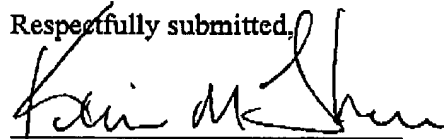
Claim 1 is amended as stated above. These features are not fairly disclosed in *Isobe*. Thus, Applicant requests that the 35 U.S.C. § 102(b) rejection be withdrawn.

Applicant also contends that the present claims are not rendered obvious by *Isobe*. Although *Isobe* states that the polymerization process disclosed therein can be carried out "in the presence or absence of a solvent The temperature is -50°C to 250°C", this does not disclose the features of the presently claimed embodiment. It should be noted that *Isobe* only demonstrates the polymerization under solution/slurry autoclave conditions, quite distinct from what Applicant is now claiming. Given the unpredictability in the chemical arts, the Applicant's claimed invention can not be said to be disclosed or suggested by *Isobe*. The Applicant thus requests that this rejection be withdrawn.

It is submitted that the case is in condition for allowance. The Applicant invites the Examiner to telephone the undersigned attorney if there are any other issues outstanding which have not been presented to the Examiner's satisfaction.

January 24, 2005
Date

Respectfully submitted,



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